



STATE OF WISCONSIN

Senate Journal

Ninety–Second Regular Session

10:00 A.M.

THURSDAY, April 6, 1995

The Senate met.

The Senate was called to order by Senator Brian Rude.

The roll was called and the following Senators answered to their names:

Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 32.

Absent – None.

Absent with leave – None.

The prayer this morning was offered by Reverend Donald Fox of St. John's United Church of Christ in La Crosse.

The Senate remained standing and Senator Rosenzweig led the Senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

Read first time and referred:

Senate Bill 130

Relating to: damage to coin-operated machines and providing a penalty.

By Senators Farrow and Huelsman; cosponsored by Representatives Green, Klusman and Rutkowski.

To committee on **Judiciary**.

Senate Bill 131

Relating to: towing and storage liens.

By Senators Weeden, Andrea, Cowles and Schultz; cosponsored by Representatives Lehman, Hasenohrl, Silbaugh, Hahn, Ladwig, Baldus, Ainsworth, Green, Grothman, Gunderson, Goetsch and Handrick.

To committee on **Transportation, Agriculture and Local Affairs**.

Senate Bill 132

Relating to: a custodial parent moving with, or removing, a child after divorce.

By Senators Weeden, Petak, Breske, Huelsman, A. Lasee and Rosenzweig; cosponsored by Representatives Ainsworth, Wood, Goetsch, Schneider, Grothman, Reynolds, Underheim, Nass, Brandemuehl and Olsen.

To committee on **Health, Human Services and Aging**.

Senate Bill 133

Relating to: conveying certain submerged lands to Brown County for a facility for dredge spoil containment.

By Senators Cowles, Drzewiecki, A. Lasee, Panzer, Petak, Darling and Andrea; cosponsored by Representatives Kelso, Green, Ainsworth, F. Lasee, Gard, Hutchison, Ryba, Goetsch, Seratti, Hahn and Grothman.

To committee on **Environment and Energy**.

Senate Bill 134

Relating to: group deer hunting.

By Senators Decker, Breske, Burke and Zien; cosponsored by Representatives Springer, Gronemus, Boyle, Seratti, Murat, Plombon and Hasenohrl.

To committee on **Environment and Energy**.

Senate Bill 135

Relating to: members of deer hunting parties using bows and arrows.

By Senators Decker, Breske, Zien and Burke; cosponsored by Representatives Springer, Seratti, Boyle and Hasenohrl.

To committee on **Environment and Energy**.

Senate Bill 136

Relating to: repaving a portion of I 43 in Milwaukee County.

By Senators Darling and Burke; cosponsored by Representatives Wasserman, La Fave, Bock and Ziegelbauer.

To committee on **Transportation, Agriculture and Local Affairs**.

REPORT OF COMMITTEES

The committee on **Senate Organization** reports and recommends:

In accordance with Senate Rule 76, time limits are established for the consideration of Assembly Bill 21; debate is not to exceed 1 hour.

Ayes, 5 – Senators Ellis, Rude, Farrow, Jauch and Risser.
Noes, 0 – None.

Assembly Joint Resolution 34

Relating to: the life and public service of Reuben La Fave.
Concurrence.

Ayes, 5 – Senators Ellis, Rude, Farrow, Jauch and Risser.
Noes, 0 – None.

Assembly Joint Resolution 5

Relating to: proclaiming May 19, 20 and 21, 1995, Syttende Mai Weekend.

Concurrence.

Ayes, 5 – Senators Ellis, Rude, Farrow, Jauch and Risser.
Noes, 0 – None.

Senate Joint Resolution 20

Relating to: proclaiming the Milwaukee Lake Schooner Project an official sesquicentennial project.

Adoption.

Ayes, 5 – Senators Ellis, Rude, Farrow, Jauch and Risser.
Noes, 0 – None.

Michael Ellis
Chairperson

The committee on **Environment and Energy** reports and recommends:

Assembly Bill 145

Relating to: grants to emergency response teams, creating immunity from civil liability for local agencies that sponsor regional or county emergency response teams and making an appropriation.

Concurrence.

Ayes, 5 – Senators Cowles, Panzer, Farrow, Burke and Clausing.
Noes, 0 – None.

Robert Cowles
Chairperson

The committee on **Transportation, Agriculture and Local Affairs** reports and recommends:

Assembly Bill 124

Relating to: the sale of calves at livestock markets and by livestock dealers and the identification of slaughter calves.

Concurrence.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.
Noes, 0 – None.

Assembly Bill 56

Relating to: extending the agricultural production loan guarantee program.

Concurrence.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.
Noes, 0 – None.

Senate Bill 104

Relating to: the assessment of agricultural land, requiring recommendations and granting rule-making authority.

Introduction and adoption of Senate amendment 1.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.
Noes, 0 – None.

Passage as amended.

Ayes, 5 – Senators A. Lasee, Drzewiecki, Zien, Andrea and Clausing.
Noes, 0 – None.

Alan Lasee
Chairperson

MESSAGES FROM THE ASSEMBLY

By Charles Sanders, assistant chief clerk.

Mr. President:

I am directed to inform you that the Assembly has passed and asks concurrence in:

Assembly Bill 1

Assembly Bill 119

Assembly Bill 15

Assembly Bill 2

Assembly Bill 202

Assembly Bill 206

Assembly Bill 24

Assembly Bill 271

Assembly Bill 8

Assembly Bill 87

Assembly Bill 91

Concurred in:

Senate Bill 111

**MESSAGES FROM THE ASSEMBLY
CONSIDERED**

Assembly Bill 1

Relating to: discontinuance of interim allowances to members of the legislature for postage and clerical assistance.

By Representatives Lehman, Baumgart, Goetsch, Ziegelbauer, Brandemuehl, Ourada, Silbaugh, Foti, Underheim, Carpenter, Walker, Ladwig, Duff, Ward, Porter, Black, Hahn, Hanson, Plache, Reynolds, Springer, Grobschmidt, Jensen, Urban, Seratti, Freese, Vrakas, Ainsworth, Gard, Wasserman and Nass; cosponsored by Senators Petak, Farrow, Darling, Clausing and Buettner.

Read first time and referred to committee on **State Government Operations and Corrections**.

Assembly Bill 119

Relating to: authorizing town meetings and town boards to fill the offices of town clerk and town treasurer or the combined office of town clerk and town treasurer by appointment.

By Representatives Ward, Kaufert, Handrick, Musser, Urban, Underheim, Wood, Silbaugh, Owens, Goetsch, Jensen, Green, Hahn, Ott, Skindrud, Schneiders, Otte and Vrakas; cosponsored by Senators Fitzgerald, Rude, Farrow and Darling.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Bill 15

Relating to: court-ordered payments to crime prevention organizations.

By Representatives Musser, Grobschmidt, Seratti, Turner, Porter, Ward, Dobyms, Robson, Owens, Goetsch, Duff, Lehman, Silbaugh, La Fave, Vander Loop, Vrakas, Freese, Kaufert and Green; cosponsored by Senators Cowles and Rude.

Read first time and referred to committee on **Judiciary**.

Assembly Bill 2

Relating to: participation by nonstate employees as drivers of van pools operated by the department of administration.

By Representatives Lehman, Goetsch, Musser, Silbaugh, Hahn, Skindrud, Hasenohrl, Seratti, Duff, Bock, R. Young, Cullen, Grothman, Baldus and Klusman; cosponsored by Senators Panzer, Schultz and Chvala.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Bill 202

Relating to: municipal boundary changes.

By Representatives Foti, Vrakas, Wood, Plache, Hanson, Ladwig, Grothman and Huber; cosponsored by Senator Fitzgerald.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Assembly Bill 206

Relating to: service by elective state officials in other salaried state positions.

By Representatives Kreibich, Jensen, Freese, Dobyms, Musser, Lehman, Vrakas, Nass, Ladwig, Skindrud, Albers, Ward, Schneiders, Huebsch, Ainsworth, Owens, Hahn, Goetsch, Zukowski, Walker, Olsen and Seratti; cosponsored by Senators Schultz, Darling and Buettner.

Read first time and referred to committee on **State Government Operations and Corrections**.

Assembly Bill 24

Relating to: service by a former member of the legislature as a lobbyist.

By Representatives Freese, Walker, Johnsrud, Duff, Ziegelbauer, Nass, Reynolds, Jensen, Hanson, Hahn, Baumgart, Albers, Black, Silbaugh, Ainsworth, Ward, Harsdorf, Brandemuehl, Dobyms, Goetsch, Ladwig, Owens, Otte and Seratti; cosponsored by Senators Drzewiecki, Schultz and Clausing.

Read first time and referred to committee on **State Government Operations and Corrections**.

Assembly Bill 271

Relating to: municipal insurance mutuals.

By Representatives Albers, F. Lasee, Lazich and Ziegelbauer.

Read first time and referred to committee on **Insurance**.

Assembly Bill 8

Relating to: charging a fee for the temporary use of school property.

By Representatives Silbaugh, Coleman, Jensen, Klusman, Freese, Ott, Gard, Goetsch, Johnsrud, Duff, Lorge, Nass, Ladwig, Dobyms, Skindrud, Hahn, Seratti, Walker, Gronemus, Grothman, Otte, F. Lasee, Olsen, Hutchison, Kreibich, Zukowski, Wood, Musser, Underheim, Brandemuehl, Porter, Lehman and Lazich; cosponsored by Senators Petak, Zien, Drzewiecki, Darling and Buettner.

Read first time and referred to committee on **Education and Financial Institutions**.

Assembly Bill 87

Relating to: disclosure of the contents of recorded communications in court proceedings for felony offenses.

By Representatives Dobyms, Brandemuehl, Duff, Goetsch, Gunderson, Hahn, Ladwig, Musser, Nass, Owens, Otte, Seratti, Silbaugh, Springer, Ziegelbauer and Grothman; cosponsored by Senators Petak, Burke, Buettner, Drzewiecki and Huelsman.

Read first time and referred to committee on **Judiciary**.

Assembly Bill 91

Relating to: the use of red and white lights on privately owned motor vehicles being used by fire department personnel or volunteer fire fighters.

By Representatives Musser, Handrick, Freese, Hahn, Baldus, Springer, Silbaugh, Lorge, Boyle, Grothman, Linton, Wilder and Ryba; cosponsored by Senator Moen.

Read first time and referred to committee on **Transportation, Agriculture and Local Affairs**.

Senate Bill 49

Relating to: the interstate transportation of gambling devices and exempting persons in the business of shipbuilding from laws prohibiting certain gambling activities.

The question was: Shall Assembly amendment 1 to **Senate Bill 49** be concurred in?

Concurred in.

The question was: Shall Assembly amendment 3 to **Senate Bill 49** be concurred in?

Concurred in.

Assembly Bill 21

Relating to: requesting federal waivers under the aid to families with dependent children and job opportunities and basic skills programs; limiting increases in aid to families with dependent children for families that have certain additional children; job orientation and job search requirements, participation requirements and sanctions under the job opportunities and basic skills program; establishing a program for publication of delinquent child support obligors; providing exemptions from emergency rule-making procedures; granting rule-making authority; and making appropriations.

Senator Moore, with unanimous consent, asked that Senate amendments 34, 35, 36, 37, 38, 39, 40, 41 and 42 to **Assembly Bill 21** be laid on the table.

Senator Adelman, with unanimous consent, asked that Senate amendments 29 and 30 to **Assembly Bill 21** be laid on the table.

The question was: Rejection of Senate amendment 28 to **Assembly Bill 21**?

The ayes and noes were demanded and the vote was: ayes, 25; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Leean, Moen, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude, Schultz, Weeden and Zien – 25.

Noes – Senators Burke, Clausing, George, Jauch, Moore, Risser and Wineke – 7.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate amendment 31 to **Assembly Bill 21**?

Senator Buettner moved rejection of Senate amendment 31 to **Assembly Bill 21**.

The question was: Rejection of Senate amendment 31 to **Assembly Bill 21**?

The ayes and noes were demanded and the vote was: ayes, 20; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Andrea, Breske, Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Leean, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz, Weeden and Zien – 20.

Noes – Senators Adelman, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, C. Potter, Risser and Wineke – 12.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate amendment 32 to **Assembly Bill 21**?

Senator Buettner moved rejection of Senate amendment 32 to **Assembly Bill 21**.

Senator Andrea, with unanimous consent, asked that he be made a coauthor of Senate amendment 32 to **Assembly Bill 21**.

The question was: Rejection of Senate amendment 32 to **Assembly Bill 21**?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 0; as follows:

Ayes – Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, LEEAN, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien – 17.

Noes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, Plewa, C. Potter, Risser and Wineke – 15.

Absent or not voting – None.

Rejected.

The question was: Adoption of Senate amendment 33 to **Assembly Bill 21**?

Senator Buettner moved rejection of Senate amendment 33 to **Assembly Bill 21**.

The question was: Rejection of Senate amendment 33 to **Assembly Bill 21**?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Buettner, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, LEEAN, Moore, Panzer, Petak, Rosenzweig, Rude, Schultz, Weeden and Zien – 18.

Noes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Decker, George, Jauch, Moen, Plewa, C. Potter, Risser and Wineke – 14.

Absent or not voting – None.

Rejected.

Ordered to a third reading.

Senator Ellis , with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 21

The ayes and noes were required and the vote was: ayes, 25; noes, 7; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Chvala, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, LEEAN, Moen, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude, Schultz, Weeden and Zien – 25.

Noes – Senators Burke, Clausing, George, Jauch, Moore, Risser and Wineke – 7.

Absent or not voting – None.

Concurred in as amended.

Senator Ellis , with unanimous consent, asked that all action be immediately messaged to the Assembly.

SECOND READING AND AMENDMENTS OF SENATE JOINT RESOLUTIONS AND SENATE BILLS

Senate Joint Resolution 20

Relating to: proclaiming the Milwaukee Lake Schooner Project an official sesquicentennial project.

Read.

Senate amendment 1 to **Senate Joint Resolution 20** offered by Senator Burke.

The question was: Adoption of Senate amendment 1 to **Senate Joint Resolution 20**?

Adopted.

The question was: Adoption of **Senate Joint Resolution 20**?

Adopted.

Senator Farrow, with unanimous consent, asked to be added as a coauthor of **Senate Joint Resolution 20**.

Senate Bill 37

Relating to: teacher tenure in populous counties.

Read a second time.

Senate amendment 1 to **Senate Bill 37** offered by Senator Darling.

The question was: Adoption of Senate amendment 1 to **Senate Bill 37**?

Adopted.

Ordered to a third reading.

Senator Ellis , with unanimous consent, asked that the bill be considered for final action at this time.

Senate Bill 37

Read a third time and passed.

Senate Bill 104

Relating to: the assessment of agricultural land, requiring recommendations and granting rule-making authority.

Read a second time.

Senator Zien, with unanimous consent, asked to be added as a coauthor of **Senate Bill 104**.

Senator LEEAN, with unanimous consent, asked that **Senate Bill 104** be referred to the Joint committee on Finance.

SECOND READING AND AMENDMENTS OF ASSEMBLY JOINT RESOLUTIONS AND ASSEMBLY BILLS

Assembly Joint Resolution 5

Relating to: proclaiming May 19, 20 and 21, 1995, Syttende Mai Weekend.

Read.

Concurred in.

Assembly Joint Resolution 34

Relating to: the life and public service of Reuben La Fave.

Read.

Concurred in by unanimous rising vote.

Assembly Bill 56

Relating to: extending the agricultural production loan guarantee program.

Read a second time.

Senate amendment 1 to **Assembly Bill 56** offered by Senator LEEAN.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 56**?

Adopted.

Ordered to a third reading.

Senator Farrow, with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 56

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 8; absent or not voting, 0; as follows:

Ayes – Senators Andrea, Breske, Buettner, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Farrow, Fitzgerald, Huelsman, Jauch, A. Lasee, Moen, Moore, Panzer, Petak, Plewa, C. Potter, Rosenzweig, Rude, Schultz and Zien – 24.

Noes – Senators Adelman, Burke, Ellis, George, Leean, Risser, Weeden and Wineke – 8.

Absent or not voting – None.

Concurred in as amended.

Assembly Bill 95

Relating to: limitations of liability for certain fire companies.

Read a second time.

Ordered to a third reading.

Senator Ellis , with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 95

Read a third time and concurred in.

Assembly Bill 124

Relating to: the sale of calves at livestock markets and by livestock dealers and the identification of slaughter calves.

Read a second time.

Ordered to a third reading.

Senator Ellis , with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 124

Read a third time and concurred in.

Assembly Bill 145

Relating to: grants to emergency response teams, creating immunity from civil liability for local agencies that sponsor regional or county emergency response teams and making an appropriation.

Read a second time.

Senate amendment 1 to **Assembly Bill 145** offered by Senator Leean.

The question was: Adoption of Senate amendment 1 to **Assembly Bill 145**?

Adopted.

Ordered to a third reading.

Senator Ellis , with unanimous consent, asked that the bill be considered for final action at this time.

Assembly Bill 145

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 0; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Buettner, Burke, Chvala, Clausing, Cowles, Darling, Decker, Drzewiecki, Ellis, Farrow, Fitzgerald, George, Huelsman, Jauch, A. Lasee, Leean, Moen, Moore, Panzer, Petak, Plewa, C.

Potter, Risser, Rosenzweig, Rude, Schultz, Weeden, Wineke and Zien – 32.

Noes – None.

Absent or not voting – None.

Concurred in as amended.

Senator Ellis, with unanimous consent, asked that all action be ordered immediately messaged to the Assembly.

Senator Ellis , with unanimous consent, asked that **Senate Joint Resolution 5** be withdrawn from the committee on **Senate Organization** and referred to the special committee on **State and Federal Relations**.

Senator Buettner , with unanimous consent, asked that **Senate Bill 132** be withdrawn from the committee on **Health, Human Services and Aging** and referred to the committee on **Judiciary**.

Senator Buettner, with unanimous consent, asked the rules be suspended and that **Assembly Bill 243** be withdrawn from the committee on **Health, Human Services and Aging** and taken up at this time.

Senator Wineke objected.

Senator Moen asked unanimous consent that the Senate stand recessed.

The senate stood recessed.

12:25 P.M.

RECESS

1:09 P.M.

The senate reconvened.

Senator Buettner moved that the rules be suspended and that **Assembly Bill 243** be withdrawn from the committee on **Health, Human Services and Aging** and taken up at this time.

The question was: Shall the rules be suspended and **Assembly Bill 243** be withdrawn from the committee on **Health, Human Services and Aging** and taken up at this time?

The ayes and noes were required and the vote was: ayes, 20; noes, 12; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Buettner, Burke, Cowles, Darling, Drzewiecki, Ellis, Farrow, Fitzgerald, Huelsman, A. Lasee, Leean, Panzer, Petak, Plewa, Rosenzweig, Rude, Schultz, Weeden and Zien – 20.

Noes – Senators Andrea, Breske, Chvala, Clausing, Decker, George, Jauch, Moen, Moore, C. Potter, Risser and Wineke – 12.

Absent or not voting – None.

Refused to take up.

Senator Jauch moved that **Assembly Bill 243** be withdrawn from the committee on **Health, Human Services and Aging** and referred to the committee on **Senate Organization**.

The question was: Shall **Assembly Bill 243** be withdrawn from the committee on **Health, Human Services and Aging** and referred to the committee on **Senate Organization**?

The ayes and noes were required and the vote was: ayes, 18; noes, 14; absent or not voting, 0; as follows:

Ayes – Senators Adelman, Andrea, Breske, Burke, Chvala, Clausing, Darling, Decker, Farrow, George, Jauch, Moen, Moore, Plewa, Potter, Risser, Rosenzweig and Wineke – 18.

Noes – Senators Buettner, Cowles, Drzewiecki, Ellis, Fitzgerald, Huelsman, Lasee, Leean, Panzer, Petak, Rude, Schultz, Weeden and Zien – 14.

Absent or not voting – None.

Referral refused.

Senators Farrow, Rosenzweig and Darling, with unanimous consent, asked to be made cosponsors of **Assembly Bill 243**.

Senator George, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the Washington Purgolders Girls Basketball team.

Senator Schultz, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the Casseville Boys Basketball team for winning the Division IV title.

Senator Schultz, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the Barneveld Girls Basketball team for winning their Division title.

Senator Schultz, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the U.W.–Platteville Mens Basketball team for winning the NCAA Division III title.

Senator Jauch, with unanimous consent, asked that when the Senate adjourns today it do so in honor of the Superior High School Moch Trial Team who won the state championships.

ADJOURNMENT

Senator Ellis, with unanimous consent, asked that the Senate adjourn.

Adjourned.

1:21 P.M.